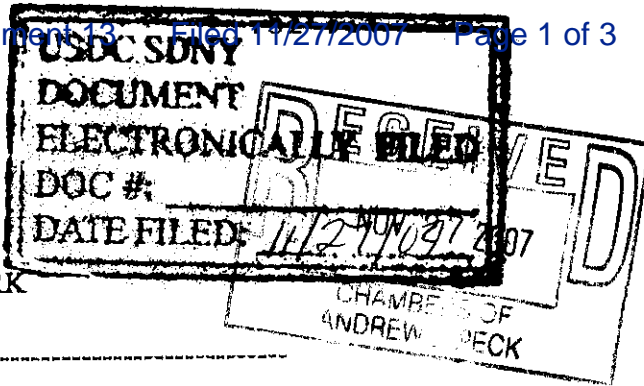


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



TRUEBORN MY ALLAH a/k/a JOSEPH AITORO,

: 07Civ.5546(GEL)(AJP)

Plaintiff,

: RESPONSE TO

ROBERT W. YALEN

-Against-

: LETTER TO JUDGE

ANDREW J. PECK

DIRECTOR HARLEY G. LAPPIN, et al.,

: DATED:

NOVEMBER 16, 2007

Defendants.

MEMO ENDORSED *12*

DEAR JUDGE PECK,

I am writing to advise the COURT of a significant development in the above referenced matter in which I the Plaintiff, Pro Se Claim that the FEDERAL CORRECTIONAL INSTITUTION at OTISVILLE, NEW YORK must maintain a separate administrative classification for Prisoners who are sincere adherents to the NATION OF GODS AND EARTHS. I respectfully request that the COURT not allow the Defendants any change of status concerning the proceedings that have already been agreed upon.

Subsequent to the last STATUS CONFERENCE in this case Plaintiff was resentedenced by the Court in which he was convicted and is now a free man. Plaintiff further asserts that my claims for Injunctive or similar relief are not Moot, by this letter the Government is now made aware that Plaintiff intends to maintain this litigation in every respect subsequent to my release. Plaintiff does not seek to modify his Complaint neither will Plaintiff abandoned the Injunctive Claim. Plaintiff asserts that all matters previously presented are still live issues. Plaintiff is aware that the Government has requested a Status Conference prior to the deadline of the Government to file its Motion to Dismiss DECEMBER 3, 2007 or in an alternative postpone the Governments time to respond until a reasonable time after the Status Conference currently scheduled for DECEMBER 10, 2007 . Plaintiff respectfully request that the Court not postpone the Governments time to respond. The Government should not be rewarded with more time simply because the Plaintiff is now free. Plaintiff further asserts that the Status of his case should be considered the same as it was before his release, as he intends to see this case to trial.

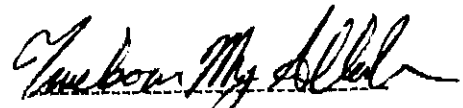
The Plaintiffs current address is TRUEBORN MY ALLAH c/o JOSEPH AITORO 1584 Whitty Road Toms River, NJ 08753 and the Plaintiffs current telephone number is (954)-326-1800 also Plaintiffs current Email is [truebornmyallah@gmail.com](mailto:truebornmyallah@gmail.com).

Plaintiff was not given ample time to respond to the Government Memo of November 16, 2007. He has been put at a legal disadvantage. In the Courts response to Defendants Memo of November 16, 2007 the Court extended the Defendants time to respond to December 14, 2007 without any input from said Plaintiff. I respectfully request that the Court not allow the Defendant any further legal advantages as it is now clear when and how I can be contacted.

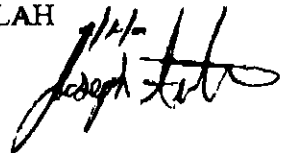
I would like to thank the Court for its consideration.

DATED: November 26, 2007

Respectfully,



TRUEBORN MY ALLAH  
Pro Se Plaintiff  
(954)-326-1800



Cc: Robert W. Yalen, Esq.  
United States Magistrate Judge Andrew J. Peck  
Judge Gerald E. Lynch

**MEMO ENDORSED 11/27/07**

Because Mr. Allah/Aitoro did not promptly  
reply to Court and defense counsel by how to  
contact him, the Court gave up on it  
and let him go for 3 months. It could  
be upon to his to take part away. Plaintiff  
and not be provided - if he had come  
two, he can compare it out the conference.  
The Court says that the conference is  
rehearsal for 12/7 at 9:00 AM and Mr.  
Allah/Aitoro must be present in person or  
post he is out of jail.

**BY FAX**

cc: Mr. Peck (email)  
Mr. Yalen (fax)  
Judge Lynch

SO ORDERED:

Hon. Andrew Jay Peck  
United States Magistrate Judge

## FAX TRANSMITTAL SHEET



**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
Telephone No.: (212) 805-0036

**Dated:** November 27, 2007

**Total Number of Pages:** 3

TO	FAX NUMBER
Robert W. Yalen, Esq.	212-637-2687

### **TRANSCRIPTION:**

#### **MEMO ENDORSED 11/27/07**

Because Mr. Allah/Aitoro did not promptly notify the Court and defense counsel of how to contact him, the Court gave defendants additional time for their motion. It would be unfair to defendants to take that away. Plaintiff will not be prejudiced – if he needs more time, he can ask for it at the conference.

The Court notes that the conference is scheduled for 12/7 at 9:30 AM and Mr. Allah/Aitoro must be present in person now that he is out of jail.

**Copies to:** Trueborn My Allah (Email)  
Judge Gerard E. Lynch